

Michigan Ornamental Plant Growers Research and Development Program

PURPOSES

This program is developed to increase the demand and utilization of Michigan produced ornamental plants. This may be accomplished by one or more of the following:

- Providing for research.
- Developing and providing educational information and programs.
- Providing for market development programs.

AUTHORITY

This program for Michigan ornamental plants is hereby issued by the Director of the Michigan Department of Agriculture, pursuant to the "Agricultural Commodities Marketing Act", 1965 PA 232, as amended.

DEFINITIONS

"ACT" means 1965 PA 232, as amended.

"Committee" means The Michigan Ornamental Growers Committee established under this program.

"Department" means the state department of agriculture.

"Director" means the director of the state department of agriculture.

"Nursery" means any grounds or premises on or in which ornamental nursery plants are propagated, held, grown or cultivated for the purpose of distributing or selling said plants.

"Ornamental Plants" means nursery stock and includes all botanically classified perennial or biennial plants such as trees, shrubs, or vines, either domesticated or naturally occurring stock, cuttings, seedlings, grafts, scions, buds, bulbs, rhizomes or roots thereof, and other plant parts capable of propagation, excepting field, vegetable and flower seeds, corms and tubers.

"Producer" means a person engaged in the business of producing, or causing to be produced for any market, an agricultural commodity in quantity beyond that person's own family use, and having a value at first point of sale of more than \$ 1.00 in any 1 growing and marketing season within the last 3 years and holding a "producer type license" as defined in 1931 PA 189, as amended, from the Michigan Department of Agriculture.

MICHIGAN ORNAMENTAL GROWERS COMMITTEE

Establishment and Membership

1. The Michigan Ornamental Growers Committee is hereby established to perform the function of administering the Michigan Ornamental Plant Growers Research and Development Program pursuant to 1965 PA 232, as amended.
2. The Michigan Ornamental Growers Committee shall be composed of seven ornamental plant producers. The director of the Michigan Department of Agriculture or his/her representative shall serve as an ex-officio member without vote.
3. The members of the committee shall be appointed by the governor with the advice and consent of the senate from nominations submitted by Michigan Nursery and Landscape Association (MNLA) or other recognized industry associations of ornamental plant growers.
4. The whole state shall be one district.

Terms of Office

The regular term of office for members of the Committee shall be for three years from the date of appointment or until their successors are appointed and qualified. A member may be reappointed to the Committee. The initial appointment shall provide for staggered terms by appointing three members for three years; two members for two years and two members for one year.

Nominations

Not more than sixty days and not less than thirty days prior to the expiration of the term of office, at least two nominees for each committee position or vacancy shall be submitted to the Governor for selection to fill the committee vacancies.

Qualifications and Appointments

1. A person appointed as a Committee member representing producers shall be a grower of ornamental plants in Michigan and shall qualify by filing a written acceptance and oath of office within 10 days after being notified by the Governor of his or her appointment.
2. To fill any vacancy occasioned by the failure of any person appointed as a Committee member to qualify as a producer, or in the event of the death, removal, resignation, or disqualification of any member, a successor for the unexpired term of such member shall be nominated and appointed in the manner specified in the program.

3. Disqualification of a committee member shall be made if the member ceases to be a producer or for other qualified reasons.

Procedure

1. A simple majority of the voting members of the Committee shall be necessary to constitute a quorum. A simple majority of votes shall be required to pass any motion or approve any Committee action. At assembled meetings all votes shall be cast in person.

2. The committee shall keep minutes, books and records which clearly reflect all its acts and transactions. The minutes, books, and records are subject to examination at any time by the director or his authorized agent or representative. Minutes of a committee meeting shall be reported to the director.

Committee Expense

1. Committee members when acting on authorized committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their functions under this program. In addition, they may receive compensation at a rate to be determined by the committee, not to exceed the amount authorized in Section 7, 1965 PA 232, as amended, for each day or portion of a day spent in performing committee business.

2. The committee is authorized to incur such expenses as are reasonable and likely to be incurred during each fiscal period for its maintenance and function, and for the purposes that the director, pursuant to the program, deems appropriate.

Fiscal Year

The fiscal period of this program shall begin and end on an annual basis, the date of which shall be established by the Committee with the approval of the Director.

DUTIES AND RESPONSIBILITIES

Responsibilities of the Committee:

1. Develop procedures for the this program in accordance with its terms and provisions;
2. Receive, investigate, and report to the Director, complaints of a violation of the provisions of this program;
3. Recommend to the Director amendments to 1965 PA 232, as amended, when necessary;

4. Prepare the estimated budget required for the proper operation of this program;
5. Develop methods for assessing producers and methods for collecting the assessment funds;
6. The business which the Committee may perform shall be conducted at a public meeting of the committee held in compliance with the Open Meetings Act, 1976 PA 267, as amended;
7. Writings prepared, owned, used, in the possession of, or retained by the Committee in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA 442, as amended;
8. The committee shall give reasonable notice to all producers and other industry segments, as necessary, of all rules and procedures and any amendments thereto;
9. All funds received by the committee shall be used solely for the purposes specified in the program and as authorized by 1965 PA 232, as amended. The Director may at any time require the committee and its members to account for all receipts and disbursements;
10. Upon the expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds of the committee in their possession to the committee and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this program;
11. All personnel having access to Committee funds must be bonded appropriately.

Duties of the Committee:

1. As soon as practicable after the appointment of members, the committee shall meet and organize, select a chairman and other officers deemed necessary, select subcommittee and committee members, and adopt procedures deemed advisable for the conduct of its business;
2. Appoint employees, agents, and representatives as deemed necessary, determine their salaries and define their duties;
3. Keep accurate books, records and accounts and minutes of all committee dealings which shall be open to examination by the Director or his/her representatives. Minutes of each committee meeting shall be reported promptly to the Director and committee members.
4. Cause fidelity bonds to be filed for protection of committee funds;

5. Furnish the Director any available information that he/she may request;
6. Cause the books of the committee to be audited by a certified public accountant at least once each fiscal year and at other times deemed necessary by the committee or as the Director may request. The audit report shall show the receipt of and expenditure of funds handled during the fiscal year. A copy of each report shall be made available at the principal office of the committee for inspection by producers and handlers, and a copy of each report shall be furnished to the Director;
7. Publish annually a written activity and financial report and make it available to interested parties with a copy to the Director;
8. The committee shall keep accurate records of the date and amounts received. These records shall be maintained for at least six (6) years;
9. Provide for accepting grants, royalties, license fees, interest, gifts, or other income that enhances the purposes of this program;
10. Award grants to universities, research institutions, agencies, organizations, or individuals to conduct program activities and enter into contracts regarding ownership of intellectual property, inventions, licenses, and earnings of royalties, or other items of value received resulting from research funded by the grants.

ASSESSMENT AND COLLECTION OF FUNDS

A. Assessment Levied: Assessments for a fiscal period shall be fixed upon ornamental nursery plant producers whose acres are inspected for sale by the Michigan Department of Agriculture at the rates of:

\$ 50 for the first three or less acres,
plus \$ 5 per additional acre up to 150 acres
plus \$ 2 per additional acre over 150 acres. Fractions of acres inspected for sale shall be rounded up to the next full acre for computation purposes.

B. Collection of assessments: assessments shall be due and payable to the Michigan Ornamental Growers Committee 30 days after invoice.

1. Each Michigan producer who sells ornamental plants shall remit the assessment to the committee.
2. If the assessment is not paid by the date specified by the committee, the unpaid assessment shall be subject to an interest charge at the interest rate specified in Section 22, 1965 PA 232, as amended.
3. The committee shall establish procedures to ensure the collection of such assessments as shall be due and payable under this program.

BUDGET

1. As soon as practical prior to the beginning of each fiscal year and as may be necessary thereafter, the Committee shall prepare a budget of income and expenditures necessary to carry out the program. The Committee shall present such budget to the director with an accompanying report showing the basis for its calculations.
2. No more than 15 percent (15%) of the Michigan Ornamental Plant Growers Research and Development Program's income will be spent for administration of the program.
3. At any time during or subsequent to a given fiscal year, the committee may recommend the approval of an amended budget. Upon the basis of such recommendations, or other available information, the director may approve an amended budget.
4. If at the end of a fiscal year the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following methods;
 - a. If such excess is not retained in a reserve, it shall be refunded proportionately to the producers from whom it was collected;
 - b. The Committee, with the approval of the director, may establish and maintain during the fiscal year, reserve funds equal to approximately one fiscal year's expenses. Such reserve funds may be used for all authorized expenses.

SEPARABILITY

If any provision or section of this program is declared invalid, is amended, suspended, or terminated; or the application thereof to any person, circumstance, or thing is held invalid, the validity of the remainder or the applicability to other persons, circumstances or things shall not be affected thereby.

MISCELLANEOUS

- A. This program shall be resubmitted to a referendum of the producers during each fifth year of operation.
- B. This program may be terminated in accordance with the provisions of 1965 PA 232, as amended.
- C. This program shall become effective ____date____ upon the Director certifying producer assent as a result of the referendum provided for in 1965 PA 232, as amended.